


ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Electronic Acknowledgement Receipt from filing of 06/18/07 (2 pgs.) Deposit Account Summary (2 pgs.)
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Thomas R. Marquis		
Date	September 21, 2007	Reg. No.	46,900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Allen Fox et al.

Application No.: 10/667,129

Confirmation No.: 7169

Filed: September 16, 2003

Art Unit: 3621

For: ON-LINE SOFTWARE RENTAL

Examiner: P. E. Elisca

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicant in the above-identified patent application hereby requests a refund of fees paid with respect to this application.

On August 20, 2007, a Notice of Appeal, Pre-Appeal Brief Request for Review, Petition for a one-month extension of time and ancillary documents were filed with the U.S. Patent and Trademark Office via facsimile (the "Appeal"). The Appeal provided for the payment of excess fees totaling \$620.00 (\$500.00 for Appeal and \$120.00 for Petition for a one-month extension of time) to be charged to deposit account 04-0100. Charges equaling these amounts were appropriately assessed to the deposit account on August 22, 2007.


On August 29, 2007, an additional charge of \$330.00, was assessed to deposit account 04-0100 believed to be for an additional one-month extension. A copy of the deposit account summary is enclosed. The subject charge is the last entry. A review of the transaction history for the present application shows that all applicable fees were paid by required due dates according to MPEP 706.07(f).

Specifically, a final office action was mailed on April 16, 2007. The 2-month due date would have been June 16, 2007, but that date was a Saturday. Accordingly, Applicants' response was filed electronically on Monday, June 18, 2007. Please see the enclosed copy of the electronic acknowledgement. The subsequent advisory action indicates that Applicants' reply was filed on June 20, 2007. But this is not correct, as evidenced by the electronic acknowledgement. The advisory action shows that box 1.a) is marked. This is also not correct. The advisory action erroneously indicates that the period for reply expires 3 months from the mailing date of the final rejection (i.e. on Monday July 16, 2007). However, the advisory action was mailed on Thursday, July 19, 2007. According to MPEP 706.07(f), the period for reply expires on the mailing date of the advisory action. Consequently, a 1-month extension fee would be needed if a reply was filed by August 19, 2007. However, that date was a Sunday. Accordingly, Applicants filed a notice of appeal on Monday, August 20, 2007. Therefore, Applicants believe that a refund in the amount of \$330.00 is warranted.

Please credit the refund in the amount of \$330.00 to Deposit Account No. 04-0100 in the name of DARBY & DARBY P.C.

Dated: September 21, 2007

Respectfully submitted,

By 
Thomas R. Marquis
Registration No.: 46,900
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant



United States Patent and Trademark Office



Deposit Account Statement

Requested Statement Month: August 2007
Deposit Account Number: 040100
Name: DARBY & DARBY P.C.
Attention: ANGELINA STANTINI
Street Address 1: 7 WORLD TRADE CENTER
Street Address 2: 250 GREENWICH STREET
City: NEW YORK
State: NY
Zip: 10007
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/02	9	10573062		9204	-\$450.00	\$46,024.
08/02	1	10723308	04305/100M285-US1	1806	\$180.00	\$45,844.
08/06	9	11575855	06727/0206476-US0	2632	\$200.00	\$45,644.
08/06	10583	0188940852	20342/2206910-IN	8014	\$25.00	\$45,619.
08/06	10617	0188940852	20342/2206910-IN	8014	\$25.00	\$45,594.
08/07	47	10643457	08211/0200237-US0/P05501	1806	\$180.00	\$45,414.
08/08	7487	0185630374	01105/100D165-US1	8014	\$25.00	\$45,389.
08/10	1	11388241	08223/1200331-US4	2201	\$100.00	\$45,289.
08/10	11	11104173	01946/100B861-US3	1814	\$130.00	\$45,159.
08/10	121	10597847	03728/0205090-US0	1202	-\$150.00	\$45,309.
08/13	4	PCT/US07/69203	2206407-WO0	1602	\$700.00	\$44,609.
08/13	4	10354396	5007.1013	2202	\$125.00	\$44,484.
08/13	9674	11335914	04368/0202755-US0	8007	\$20.00	\$44,464.
08/13	9675	60645473	04368/0202755-US0	8007	\$20.00	\$44,444.
08/13	10240	0186810786	02420/1202011-US1	8014	\$25.00	\$44,419.
08/14	1	10524937	05432/100L890-US1	1202	\$450.00	\$43,969.
08/15	13108	0188260496	08204/0203512-US0	8014	\$25.00	\$43,944.
08/16	11	0639436	00280/300D404-US0	6206	-\$100.00	\$44,044.
08/16	12	0639436	00280/300D404-US0	6203	-\$100.00	\$44,144.
08/16	13	0639436	00280/300D404-US0	6207	\$100.00	\$44,044.
08/17	6	11335914	04368/0202755-US0	8007	-\$20.00	\$44,064.
08/17	7	60645473	04368/0202755-US0	8007	-\$20.00	\$44,084.
08/17	8	1647929	04368/0202755-US0	8013	\$50.00	\$44,034.
08/17	37	09903665	04266/1006895-US2	8021	\$40.00	\$43,994.
08/20	1	11104173	01946/100B861-US3	1814	\$260.00	\$43,734.
08/20	4	11104173	01946/100B861-US3	1814	\$130.00	\$43,604.

08/20 5	11104173	01946/100B861-US3	1814	\$130.00	\$43,474.
08/20 114	10734763	004-8639	1251	\$120.00	\$43,354.
08/21 53	77011010	06912/3202534-US0	6001	\$50.00	\$43,304.
08/21 57	77007880	06912/3202512-US0	6001	\$50.00	\$43,254.
08/21 235	11026187	SUN041208	1251	\$120.00	\$43,134.
08/22 1	11091011	20342/1202653-US5	1806	\$180.00	\$42,954.
08/22 10	10667129	08226/1203097-US1	1251	\$120.00	\$42,834.
08/22 11	10667129	08226/1203097-US1	1401	\$500.00	\$42,334.
08/22 54	10539649	20239/0201924-US0	1806	-\$180.00	\$42,514.
08/23 19	79016411	MADRID.20051108	6001	-\$150.00	\$42,664.
08/23 21	76680992		6001	\$150.00	\$42,514.
08/23 14	29243385	02309/100M789-US1	1806	-\$180.00	\$42,694.
08/23 15	29243384	02309/100M789-US3	1806	-\$180.00	\$42,874.
08/23 28	29243386	02309/100M789-US2	1806	-\$180.00	\$43,054.
08/24 3	10559083	03702/0203703-US0	1615	\$1,550.00	\$41,504.
08/28 1	10481916	06670/0200727-US0	1202	\$36.00	\$41,468.
* 08/29 1	10667129	08226/1203097-US1	1252	\$330.00	\$41,138.

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$45,574.02	\$6,146.00	\$1,710.00	\$41,138.02

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Electronic Acknowledgement Receipt

EFS ID:	1884341
Application Number:	10667129
International Application Number:	
Confirmation Number:	7169
Title of Invention:	On-line software rental
First Named Inventor/Applicant Name:	Allen Fox
Customer Number:	38880
Filer:	John W. Branch/Flor Neafus
Filer Authorized By:	John W. Branch
Attorney Docket Number:	08226/1203097-US1
Receipt Date:	18-JUN-2007
Filing Date:	16-SEP-2003
Time Stamp:	19:08:53
Application Type:	Utility

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	80117725.pdf	31527	no	1

Warnings:

Information:					
2		80117726.pdf	787312	yes	22
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment After Final		1	1	
	Claims		2	16	
	Applicant Arguments/Remarks Made in an Amendment		17	22	
Warnings:					
Information:					
Total Files Size (in bytes):			818839		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					